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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,374	11/28/2001	Rudolf Stockhammer	HPBC C-87	1335

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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/980,374

Applicant(s)

STOCKHAMMER, RUDOLF

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-10-05
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Examiner's Response

1. In response to applicant's amendment filed 1-10-05, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "type of entitlement" in claims 10 and 12 renders the claims indefinite because MPEP 2173.05(b) states: The addition of the word "type" to an otherwise definite expression (e.g., Friedel-Crafts catalyst) extends the scope of the expression so as to render it indefinite. Ex parte Copenhaver, 109 USPQ 118 (Bd. App. 1955). Likewise, the phrase

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"ZSM-5-type aluminosilicate zeolites" was held to be indefinite because it was unclear what "type" was intended to convey. The interpretation was made more difficult by the fact that the zeolites defined in the dependent claims were not within the genus of the type of zeolites defined in the independent claim. Ex parte Attig, 7 USPQ2d 1092 (Bd. Pat. App. & Inter. 1986).

Claim Rejections - 35 USC § 102 & 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohle '477 (US 6101477) in combination with Asplund (US 5801367) and Oneda (US 5953705).

Hohle '477 discloses a method for booking an entitlement such as reserving airline, hotel or rental car using cardholder identification on a data carrier in the form of a smart card or IC card. Communication is provided via access points or terminals 15 that communicate over a telecommunication network 19 shown in fig. 10. Entitlement data may be stored on the card when making the reservation, or upon arrival at the facility, e.g. when the original transaction is off-line. See col. 26 line 34 col. 27 line 39. Hohle '477 discloses off-line transactions in col. 12 lines 38-52 and col. 26 lines 59-61 by inputting ID data such as account number by telephone and

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updating the card from an access terminal with the selected information at a later time, but does not expressly specify details of this operation such as visible data on the carrier.

Asplund discloses an analogous art booking method using a travel pass card with memory storing ID data and display 2 to visibly indicate the data in the memory. See the abstract and col. 2 line 50- - col. 3 line 16. A reservation may be made by telephone and the booking data sent to the destination gate. When the traveler arrives at the gate, the ID is read and the stored data booked by telephone is loaded into the card. See col. 4 lines 31-46. Therefore, the card is automatically updated and does not require the use of special card reading equipment for making reservations. See col. 1 lines 43-63.

Oneda discloses an analogous art reservation method with IC card that includes visible account number information also stored in memory in figs. 2A-2B and cols. 7-8.

Regarding claim 1, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Hohle '477 the visible data of Asplund to allow the user to ascertain the card ID without using a card reader for making the offline transactions suggested by Hohle '477. If the visible ID information is printed on the card rather than electronically displayed, then such would have been obvious in

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view of the account number on the card of Oneda and suggested by Hohle referring to standard smart cards in cols. 1-3 and standard credit cards with account number in col. 5 lines 29-37 that is typically printed on the credit card. Regarding claim 2, Hohle '477, Asplund and Oneda disclose IC or chip card carriers storing identification data and Asplund and Oneda includes visible indication of the identification data.

Regarding claim 3, Hohle '477 includes contactless communication in line 33. Regarding claim 4, Hohle '477 includes a server in claim 14 line 4. Regarding claim 5, communication to only the first terminal would have been obvious in view of Asplund disclosing sending data to a specific destination gate.

Regarding claim 6, the kiosk or desk of Hohle '477 are considered to be stationary. Claim 10 would have been obvious for the same reasons applied above to claim 1. Since the telephone transaction of Asplund does require a reader, the information is obviously input manually by voice or keypad as implemented in the typical telephone credit card transaction that is suggested by Hohle '477 disclosing transaction with only account number and expiration date. Further, reading the card ID on arrival identifies the user in col. 4 of Asplund similar to the handshaking authentication in col. 26 of Hohle '477.

Regarding claim 11, the telephone transaction of Asplund

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encompasses typical links such as wired and wireless phones.

Claim 12 would have been obvious for the same reasons applied to claim 5.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hohle '477 (US 6101477) in combination with Asplund (US 5801367) and Oneda (US 5953705) as applied above in view of Pinnow (US 4573046). The data carrier on a watch would have been obvious in view of the watch apparatus of Pinnow for convenient access control.

Response to Arguments

7. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection. Regarding claims 1-12, the argument that Hohle '477 requires an access point with card reader for all transactions is not persuasive because Hohle '477 allows offline transactions. In addition, Asplund is applied to specifically show booking a reservation by telephone where the booked data is loaded onto the card at arrival to a departure gate. This allows registering the reservation into the system without insertion of the card into a reader. The new claims are discussed in the new rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of

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rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications.

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Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068.

EH
6/12/05


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635